

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ERIC JACKSON, ALARIC STONE, and)
MICHAEL MARCENELLE, on behalf of)
themselves and all others similarly situated,)
Plaintiffs,) Case No. 4:22-cv-00825-P
v.)
ALEJANDRO N. MAYORKAS, in his official)
capacity as Secretary of Homeland Security, et al.,)
Defendants.)

**FOURTH SUPPLEMENTAL DECLARATION OF LIEUTENANT JUNIOR GRADE
ALARIC STONE**

Pursuant to 28 U.S.C. § 1746, I, Alaric Stone, under penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I continue to face adverse action due to my decision to not receive the COVID-19 vaccination.
3. I requested that the Coast Guard remove administrative remarks (CG-3307s) from my personnel file that reference my vaccination status, but on May 16, 2023, I was informed that the Coast Guard refused to remove one of these CG-3307s. See the email chain, which includes a copy of the CG-3307, attached as Exhibit 1.
4. Absent further relief, I understand that this CG-3307 will remain in my record and will be among the documentation the Lieutenant selection board will review when my record is considered in September 2023.

5. The CG wrongfully canceled my orders to attend the Coast Guard Intelligence Officer Course (IOC) because I was unvaccinated. See also ECF No. 72 at 16; ECF No. 73 at 8. To date, I still have not received new orders to attend this course.

6. IOC is a requirement for Coast Guard officers to earn the Apprentice level Intelligence (Apprentice Intel) Officer Specialty Code (OSC). The Intelligence Program uses OSCs to manage its workforce's professional competence and suitability for future intelligence assignments.

7. I understand that, because I have not yet attended the CG IOC, I may be delayed in earning the Apprentice Intel OSC compared to my peers and will almost certainly be delayed if not remedied soon. Earning professional qualifications and credentials on time is a major factor that the Coast Guard considers when evaluating Junior Officers such as myself for promotion and assignments. If I fail to earn the Apprentice Intel OSC on time due to my not having attended IOC, I may permanently be at a disadvantage compared to my peers as future promotion boards/selection panels will always be able to see that I was delayed in earning the Apprentice Intel OSC.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2023.



Alaric Stone



From: Furlong, Shannan E PO1 USCG D5 (USA) [REDACTED]
Sent: Tuesday, May 16, 2023 11:28 AM
To: Stone, Alaric B LTJG USCG (USA) [REDACTED]
Cc: Dove, Brian L CWO-2 USCG D5 (USA) [REDACTED]
Subject: LTJG Stone: iPERMS Problem Case 310650

Good Day LTJG Sone,

Just wanted to let you know that I tried to get the below 3307 (see snapshot) removed from your OMPF in iPERMS since it's COVID related as we had received some guidance that said all COVID related 3307's were suppose to be removed from member's records. Unfortunately, HQ has stated that it's not one of the 3307's that is covered by the current authority and that you will have to follow established procedures if you wanted to request it be removed. All other 3307's that were in your record have been removed from what I have reviewed in your record. If you find another one, please let me know.

ADMINISTRATIVE REMARKS**PRIVACY ACT STATEMENT**

Pursuant to 5 U.S.C. §552a(e)(3), this Privacy Act Statement serves to inform you of why OHS is requesting the information on this form.

AUTHORITY: 14 U.S.C. § 505

PURPOSE: To document a USCG service member's achievements, accomplishments, Uniform Code of Military Justice (UCMJ) infraction(s), or any other USCG military pay or personnel activity.

ROUTINE USES: Authorized USCG officials will use this information to validate a USCG service member's achievements, accomplishments, UCMJ infraction(s) or any other USCG military pay or personnel activity. Any external disclosures of information within this record will be made in accordance with DHS/USCG-014, Military Pay and Personnel, 76 Federal Register 66933 (October 28, 2011).

CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: Providing this information is voluntary. However, failure to provide this information may result in a delay in administrating this form.

Entry Type: Performance and Discipline (P&D-6)

Reference: None

Responsible Level: Unit

Entry: General – Positive

N/A : You have read and understood **JAMES' VACCINATED RESTRICTION OF MOVEMENT**

(ROM) 10-23 MAY 2021 REQUIREMENTS. As a vaccinated crewmember, you must follow CDC COVID prevention measures to reduce the risk and spread of COVID-19. After 18 May, you are prohibited from using commercial transport or attending mass gatherings consisting of 50 or more persons. You are not required to wear a mask when proper social distancing cannot be maintained with a co-habitants or visitors. Your compliance with these guidelines will maximize JAMES' Spring 2021 Patrol mission readiness and prevent unnecessary pier-side COVID-19 quarantine delays.

N/A : I AM vaccinated and shall abide by Vaccinated ROM requirements.

ABS : You have read and understood **JAMES' NON-VACCINATED RESTRICTION OF MOVEMENT**

(ROM) 10-23 MAY 2021 REQUIREMENTS AND GUIDELINES. More specifically, as a non-vaccinated crewmember, you shall remain in your residence or lodging facility unless commuting to JAMES for COVID-19 testing / duty, or curbside pickup activities. Furthermore, you shall wear an N-95 mask aboard JAMES, FLETC, during curbside pickup, and when proper social distancing cannot be maintained with home or lodging cohabitants. Your compliance with these guidelines will maximize JAMES' Spring 2021 Patrol mission readiness and prevent unnecessary pier-side COVID-19 quarantine delays.

ABS : I AM NOT vaccinated and shall abide by Non-Vaccinated ROM requirements.

T. D. Vance, CAPT, USCG
Commanding Officer

Alarie Stone
Alarie D. Stone

Very Respectfully,

YN1 Shannan Furlong

D5 P&A Supervisor

From: Lemorie, Michael R CIV USCG PSC (USA) [REDACTED]

Sent: Tuesday, May 16, 2023 8:33 AM

To: Furlong, Shannan E PO1 USCG D5 (USA) [REDACTED]

Subject: Re: iPERMS Problem Case 310650

Mr. Michael Lemorie, GS-13

Program Manager, CGMHRR

USCG PSC BOPS-C-MR, 4N 24-16

[REDACTED] (Office)

[REDACTED] (Fax)

iPERMS:

<https://iperms.mymilrecord.uscg.mil/>

Web Address:

[Coast Guard Military Human Resource Records Section \(uscg.mil\)](http://Coast Guard Military Human Resource Records Section (uscg.mil))

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain sensitive but unclassified information or Privacy Act Data. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Re: iPERMS Problem Case 310650

Created: 2023-05-16 08:32:02

Description: Member: 054885948 Document: CG-3307 Input Date: 2023-03-23 Effective Date: 2021-05-23, Actions: Please remove as this is a COVID related 3307